

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE**

**MINUTES**

**NOVEMBER 28, 2006**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, November 28, 2006 at 3:20 p.m., in Committee Room #2.** The following members were present:

**The Honorable Cleta Winslow, Chair  
The Honorable C. T. Martin, Vice-Chair  
The Honorable Ivory L. Young, Jr.  
The Honorable H. Lamar Willis  
The Honorable Joyce Sheperd  
The Honorable Carla Smith**

The following member was absent:

**The Honorable Anne Fauver**

Others present at the meeting were: Councilmembers Jim Maddox, Mary Norwood, Howard Shook & Kwanza Hall; City Attorney Linda DiSantis, Jerry DeLoach, Roger Bhandari and Dianne Mitchell, Law Department; Chief Richard Pennington, Assistant Chief, Alan J. Dreher, Deputy Chiefs Carlos Banda and Peter N. Andresen, Major P. M. Williams, Lt. K. Anderson, Police Department; Commissioner Dianne Harnell Cohen, Department of Parks, Recreation and Cultural Affairs; Capt. James Day, Fire and Rescue Department; Raines Carter, City Solicitor; Diane Jones, Corrections; Greg Pridgeon, Mayor's Office; the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:20 p.m. after declaring a quorum present. She then proceeded with the following order of business.

- A.    ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD A BRIEFING FROM POLICE CHIEF RICHARD PENNINGTON AND TO ADD THREE RESOLUTIONS**
  
- B.    APPROVAL OF MINUTES - APPROVED**

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

- 06-R-2513 ( 1) Claim of Marvin Reed, through his attorney, Sheryl Burke, Esq., for damages alleged to have been sustained as a result of a vehicular accident on May 3, 2006 at 2 Northside Drive. \$6,200.00
- 06-R-2514 ( 2) Claim of Presentech Digital Printing c/o David Midler, for damages alleged to have been sustained as a result of an automobile accident on September 26, 2006 at 2555 Metropolitan Parkway. \$728.01
- 06-R-2515 ( 3) Claim of Tishua Thompson, through her attorney, Shani Curry, for damages alleged to have been sustained as a result of a vehicular accident on September 14, 2005 at 1244 Moreland Avenue. \$5,500.00
- 06-R-2516 ( 4) Claim of Marc Newman and Silvia Nina Gomez, for damages alleged to have been sustained as a result of an automobile accident on July 20, 2006 at North Avenue, NE and Glen Iris Drive, NE. \$2,900.00
- 06-R-2517 ( 5) Claim of Tamala Johnson, through her attorney, Sheryl L. Burke,, Esq., for bodily injuries alleged to have been sustained from stepping into a meter that was left open and in an unsafe condition on August 6, 2005. \$8,500.00
- 06-R-2518 ( 6) Claim of Myrtle Webb, for damages alleged to have been sustained as a result of an automobile accident on August 14, 2006 on Sidney Marcus Boulevard. \$1,142.47
- 06-R-2519 ( 7) Claim of Lendale Smith and Shemeka Stephens, through their attorney, Daniele C. Johnson, for damages alleged to have been sustained as a result of an automobile accident on July 27, 2006 at 1095 Hightower Road, NW. \$910.00

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 06-R-2520 ( 8)      Claim of **David Scott and Sherry Scott**, for damages alleged to have been sustained as a result of a vehicular accident on September 28, 2005 at 327 Augusta Avenue.      **\$2,942.49**
- 06-R-2521 ( 9)      Claim of **Eugene Battle**, for damages alleged to have been sustained as a result of a sewer backup on August 13, 2005 at 3585 Dale Lane.      **\$1,015.00**
- 06-R-2522 (10)      Claim of **Eddie L. Howard**, for property damages allegedly sustained from several sewer backups on July 6, 2005 and July 11, 2005 at 1527 Sylvan Road, SW.      **\$2,681.66**
- 06-R-2523 (11)      Claim of **Averette Windell Woodson, Jr.**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on August 15, 2006 at 1222 West Marietta Street.      **\$1,326.20**
- 06-R-2524 (12)      Claim of **Jimmy Williams**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on August 25, 2006 at 1222 West Marietta Street.      **\$977.92**

**Claims with unfavorable recommendations:**

- 06-R-2525 (13)      Claim of **Travelers Insurance Company, as subrogee of Helen Prather**, for damages alleged to have been sustained as a result of a City drain on July 6, 2005 at an undisclosed location.
- 06-R-2526 (14)      Claim of **Shara Bouie**, for damages alleged to have been sustained as a result of an arrest on January 24, 2005 at 3637 Peachtree Road.
- 06-R-2527 (15)      Claim of **Linda Horton-Binn**, for damages alleged to have been sustained during the execution of a narcotic search warrant on April 21, 2006 at 559 Elbridge Drive.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 06-R-2528 (16) Claim of **Debbie Ann McCoy**, for damages alleged to have been sustained as a result of a slip and fall incident due to a hole on the sidewalk on April 10, 2006 at 1809 Perry Boulevard.
- 06-R-2529 (17) Claim of **Sharita Dowdell**, for property damages alleged to have been sustained from a broken meter on June 23, 2006 at 2722 Mango Circle, NW.
- 06-R-2530 (18) Claim of **Denise Flanders**, for damages alleged to have been sustained as a result of a sewer backup on April 21-23, 2006 at 700 Piedmont Avenue #6.
- 06-R-2531 (19) Claim of **Sharon Battle**, for damages alleged to have been sustained as a result of walking into a pothole on April 28, 2006 at 25 Andrew Young Boulevard.
- 06-R-2532 (20) Claim of **Frank Seigel**, for damages alleged to have been sustained as a result of a slip and fall incident on December 21, 2004 at 97 Peachtree Way.
- 06-R-2533 (21) Claim of **Vicki Haberman, through her attorney, Teddy Ray Price**, for damages alleged to have been sustained as a result of a vehicular accident on April 10, 2006 at 1664 Memorial Drive, SE.
- 06-R-2534 (22) Claim of **Sanders Wilborn, Jr.**, for damages alleged to have been sustained as a result of a vehicular accident on October 17, 2006 at 1717 Centra Villa Drive, SW.
- 06-R-2535 (23) Claim of **Bonita Lee, through her attorney, Monroe Feldman**, for damages alleged to have been sustained as a result of stepping on a water meter box on March 24, 2005 at 635 Spring Street.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 06-R-2536 (24) Claim of **Cynthia B. Francisco, through her attorney, Laurence H. Margolis**, for damages alleged to have been sustained during an emergency response incident on June 3, 2005 at 1215 Piedmont Avenue, NE.
- 06-R-2537 (25) Claim of **Wyndham Atlanta Hotel, through its attorney, Richard H. Sinkfield**, for damages alleged to have been sustained as a result of a water leak at 160 Spring Street.  
**(Councilmember Smith made a motion to approve items C1-C25.)**

**FAVORABLE**

**D. ORDINANCE FOR FIRST READING**

- 06-O-2538 ( 1) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget for the Department of Fire and Rescue ("Department") by adding to anticipations and appropriations, the amount of \$169,800.00, for the purpose of funding the Department's Car Safety Seat Program; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**REGULAR**

**E. COMMUNICATIONS**

- 06-C-2503 ( 1) A Communication by Mayor Shirley Franklin appointing **Ms. Elizabeth B. Chandler** as City Attorney for the City of Atlanta, scheduled to begin on the date of Council confirmation.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE (1 ABSTENTION) WILLIS - REFERRED TO COMMITTEE ON COUNCIL**

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**COMMUNICATIONS (CONT'D)**

06-C-2508 ( 2)     A Communication by Mayor Shirley Franklin appointing **Mr. Frankie Brown** to serve as a Taxicabs & Vehicles for Hire Hearing Officer for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.

**(Councilmember Winslow made a motion to forward without recommendation to Committee on Council)**

**FORWARDED     WITHOUT     RECOMMENDATION     TO**  
**COMMITTEE ON COUNCIL**

**F.     ORDINANCES FOR SECONDING READING**

06-O-2578 ( 1)     An Ordinance by Councilmember Howard Shook to waive the provisions of Chapter 10, Article II, Division 2, Section 10-69(b) and to waive the provisions of Chapter 10, Article II, Division 2, Section 10-88.1 of the City of Atlanta Code of Ordinances as such provisions apply to an establishment which is already licensed to sell alcoholic beverages by the package, to fulfill the intent of the Council when it adopted ordinance 06-O-0146, a Zoning Ordinance which approved with conditions, Zoning Case Z-05-135, to allow such establishment to be demolished and replaced with a new structure which will be part of a two building retail and office mixed use project on Peachtree Street; and for other purposes.

**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

06-O-2583 ( 2)     An Ordinance by Councilmembers Carla Smith, Kwanza Hall and Anne Fauver to amend Chapter 30, Article XIV, Section 30-952 and Chapter 30, Article XIV, Section 30-954 of the Code of Ordinances, City of Atlanta, Georgia, so as to amend the qualifications of massage technicians to more closely reflect the qualifications contained in the massage therapy act recently enacted by the State of Georgia; to repeal conflicting ordinances; and for other purposes.

**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

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**ORDINANCES FOR SECONDING READING (CONT'D)**

- 06-O-2588 ( 3)     An Ordinance by Councilmember Jim Maddox authorizing the transfer of funds from the Department of Fire and Rescue's Capital Building Project to the Public Art Trust Fund, in an amount not to exceed \$132,000.00, for the purpose of implementing a 1.5% Public Art Program for the newly constructed Fire Stations #13, #18 and #28; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

- 06-O-2597 ( 4)     An Ordinance by Councilmember Cleta Winslow **as amended by Public Safety and Legal Administration Committee** to re-impose a Moratorium on the acceptance of new Private Property Vending applications and on the issuance of Private Property Vending Permits for new vendors until April 30, 2007, or until anticipated revisions to the "Private Property Vending Code" are adopted and approved, whichever comes sooner; to waive conflicting ordinances; and for other purposes.  
**(Councilmember Young made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 06-O-2598 ( 5)     An Ordinance by Councilmember Cleta Winslow to reauthorize the extension of all permits for vending On Public Property issued in 2003 to June 30, 2007, or until anticipated revisions to the "Public Property Vending Code" are adopted and approved, whichever comes sooner; to re-impose a Moratorium on the issuance of permits to vend on Public Property until June 30, 2007, or until anticipated revisions to the "Public Property Vending Code" are adopted and approved, whichever comes sooner; to waive conflicting ordinances; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

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**G. RESOLUTIONS**

- 06-R-2539 ( 1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or her designee, on behalf of the Department of Fire and Rescue ("Department"), to accept a donation of a gift card valued at \$800.00 from Meadwestvaco Packaging Systems, LLC., for the purpose of purchasing furniture and other household items for Fire Station #21; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

- 06-R-2541 ( 2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or her designee, to accept the donation of a gift card valued at \$1,000.00 from Meadwestvaco Packaging Systems, LLC., on behalf of the City of Atlanta Department of Fire and Rescue, for the purpose of purchasing furniture and other household items for Fire Station #8; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

- 06-R-2542 ( 3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or her designee, to accept the donation of a gift card valued at \$500.00 from Meadwestvaco Packaging Systems, LLC., on behalf of the City of Atlanta Department of Fire and Rescue, for the purpose of purchasing furniture and other household items for Fire Station #23; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

- 06-R-2543 ( 4) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or her designee, to accept the donation of a gift card valued at \$500.00 from Meadwestvaco Packaging Systems, LLC., on behalf of the City of Atlanta Department of Fire and Rescue, for the purpose of purchasing furniture and other household items for Fire Station #16; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**



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**RESOLUTIONS (CONT'D)**

06-R-2544 ( 5)      A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Fire and Rescue ("Department"), to accept a \$2,000.00 donation from the Wal-Mart Corporation for the purpose of supporting the Department's Fire Education Program; and for other purposes.

**(Councilmember Sheperd made a motion to approve.)**

**FAVORABLE**

06-R-2545 ( 6)      A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Corrections ("Department"), to execute an agreement for FC-6006007878, Inmate Food Services, with Trinity Services Group, Inc., in an amount not to exceed \$1,465,977.00, for the purpose of providing food, labor, supplies and materials necessary for food preparation for inmates detained in the Atlanta Detention Center; all contracted work shall be charged to and paid from Fund, Account and Center Number: 1A01 (General Fund) 524001 (Consultant/Professional Services) I21003 (Food Services); and for other purposes.

**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

06-R-2546 ( 7)      A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims in the case of Lester Parker v. Guy Stroup, et al., United States District Court for the Northern District of Georgia, Civil Action File No. 1:05-CV-02795-TCB, in the amount of \$1,000.00; authorizing said payment to be charged to and paid from Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number: T31001 (Non-Departmental); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

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**RESOLUTIONS (CONT'D)**

- 06-R-2547 ( 8)     A Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney to enter into a Settlement Agreement with 5R Constructors, LLC, related to claims resulting from contract No. FC-7242-00, Fifth Runway Site Preparation; Phase I and Phase II and the Lawsuit filed by 5R Constructors in Fulton Superior Court, Civil Action No: 2005-CV-95955 and the Counterclaim filed by the City of Atlanta in that action, pursuant to which the City will pay 5R Constructors \$450,000.00 and the parties will dismiss the Lawsuit; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

**H.    PAPERS HELD IN COMMITTEE**

- 06-O-0204 ( 1)     An Ordinance by Councilmember Jim Maddox **as substituted #3 by Public Safety and Legal Administration Committee** to amend Article XXIV, Sections 30-1461, 30-1464, 30-1483, 30-1484 and 30-1485 of the Code of Ordinances of the City of Atlanta, Georgia entitled "Vending on Private Property" so as to add the term "Site Plan" to the definitions Section; to add additional vending restrictions and prohibitions; to shorten the period of time during which vendors may operate at a location; to create a new section 30-1488 to be entitled "Aesthetic Standards"; to waive conflicting Ordinances; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE ON SUBSTITUTE #3**

- 06-R-0433 ( 2)     Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06)**  
**(Held 2/28/06 for further investigation at the request of Councilmember Muller)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 06-R-0633 ( 3)      Claim of **Gregory V. Burson, Jr.**, for damages alleged to have been sustained as a result of striking an open construction cut on January 18, 2006 at 832 Pryor Street, SW. **(Held 3/14/06 for further investigation at the request of Councilmember Smith)**

**HELD**

- 06-O-1044 ( 4)      An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**

**HELD**

- 06-O-1045 ( 5)      An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-57(a)(3) so as to delete residency requirements for securing or maintaining Vehicle for Hire CPNC's; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**

**HELD**

- 06-O-1142 ( 6)      An Ordinance by Public Safety and Legal Administration Committee to waive Section 2-1854 of the City of Atlanta Code of Ordinances to allow for the re-appointment of Barney Simms to the License Review Board; and for other purposes. **(Held 6/13/06 for further review)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 06-O-1601 ( 7)     An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes.  
**(Held 8/15/06 for further review.)**

**HELD**

- 06-R-1719 ( 8)     Claim of **Kay E. Stephensen and Mark T. Gilliland**, for damages alleged to have been sustained as a result of storm water overflow on May 16, 2003 at 1125 Rosedale Drive, NE.  
**(Held 8/15/06 at request of Councilmember Fauver.)**

**HELD**

- 06-O-1908 ( 9)     An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to offset the funding that's provided by the City to subsidize the Department's Operating Budget; to create a Taxicab Re-Inspection Fee; and for other purposes.  
**(Held 9/12/06 for a work session.)**

**HELD**

- 06-R-2107 (10)     A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of the claim of Cynthia Mincey in the amount of \$735.85 against the City of Atlanta; and for other purposes.  
**(Councilmember Sheperd made a motion to approve.)**

**FAVORABLE**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 06-O-2245 (11) An Ordinance by Councilmembers Jim Maddox and Kwanza Hall **as substituted by Public Safety and Legal Administration Committee** to amend Chapter 150 of the Code of Ordinances of the City of Atlanta by creating a new Section 150-69 pertaining to mobile telephone usage while operating a motor vehicle; and for other purposes.  
**(Councilmember Young made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 06-R-2344 (12) Claim of Warren Brownlee, for property damages alleged to have been sustained from broken utility boxes caused during a sidewalk installation project in October 2005 at 30 Cleveland Avenue, SE.  
**(Councilmember Winslow made a motion to approve.)**

**FILE**

- 06-O-2472 (13) An Ordinance by Councilmember Howard Shook **as amended by Public Safety and Legal Administration Committee** to amend Chapter 10, Article I, Section 10-1 of the City of Atlanta Code of Ordinances to create the definition of City Food Market and to amend Section 10-88.1 of the City of Atlanta Code of Ordinances so as to create distance requirements for the sale of beer and or/wine from city food markets; and for other purposes.  
**(Councilmember Young made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 06-O-2484 (14) An Ordinance by Councilmembers Kwanza Hall and Ceasar C. Mitchell Shook **as substituted by Public Safety and Legal Administration Committee** to waive the requirements of Chapter 110, Article III, Division 1, Section 110-60(a) of the City of Atlanta Code of Ordinances related to the closing time of City Parks for the limited purpose of allowing Woodruff Park to remain open after 11:00 p.m. on December 31, 2006, until 1:00 a.m. on January 1, 2007; to set forth additional regulations related thereto; and for other purposes. **(Held 11/14/06 for further review.)**  
**(Councilmember Young made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

**I. ITEMS NOT ON THE AGENDA**

**RESOLUTIONS**

- 06-R-2631 ( 1) A Resolution by Public Safety and Legal Administration Committee authorizing payment in the amount of \$2,000.00 from Fund Number 1A01 (General Fund), Account Number 529017 (Property Liquidation), and Center Number T31001 (Non-Departmental), to the M&J Solvents Potentially Responsible Party Group, through their Attorneys, King and Spalding LLP, in settlement of their claims against the City of Atlanta.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

- 06-R-2632 ( 2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims in the case of Warren Brownlee v. City of Atlanta, Magistrate Court of Fulton County, Civil Action File No. 06MS063937, in the amount of \$7,200.00; authorizing said payment to be charged to and paid from Fund Number 1A01 (General Fund), Account Number 529017 (Property Liquidation), and Center Number T31001 (Non-Departmental); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

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**ITEMS NOT ON THE AGENDA (CONT'D)**

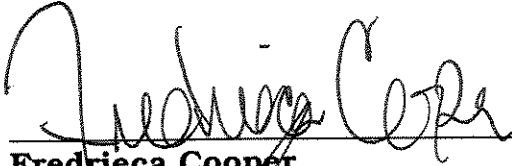
- 06-R-2633 ( 3)      A Resolution by Public Safety and Legal Administration Committee to authorize the use of all State-approved speed detection devices on the State Routes and Off-System Routes within the City of Atlanta as approved by the Georgia Department of Transportation; to establish the use of speed detection devices and to specify speed limits on State Routes and Off-System Routes within the City of Atlanta, on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

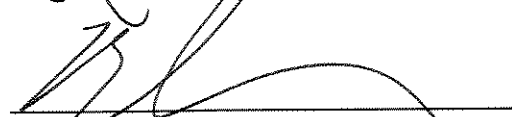
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**There being no further business to come before the Committee, the meeting was adjourned at 5:24 p.m.**

**Respectfully Submitted:**



**Fredriecca Cooper**  
**Legislative Assistant**



**Bernard Thomas**  
**Research and Policy Analyst**



**The Honorable Cleta Winslow, Chair**  
**Public Safety and Legal Administration Committee**